

REMARKS

Claims 1-14 are pending and have been examined in this application.

Applicant would like to thank the Examiner for the indication of allowable subject matter in claims 2, 5, 11 and 14. Applicant respectfully submits, however, that each of the pending claims is in condition for allowance.

Claims 1, 4, 6-10 and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2007/0149208 (Syrbe) in view of U.S. Patent No. 4,726,056 (An) and further in view of U.S. Patent Application Publication No. 2004/0002343 (Brauel). Applicant traverses.

Among the limitations of independent claims 1 and 10 which are neither disclosed nor suggested in the prior art of record is a mileage service system that includes a converting unit for “converting the distance calculated by said distance calculating unit to **mileage points**.” (Emphasis added.) *See, e.g.*, Applicant’s specification at p. 15, paragraph [0049], which states, “the issuance of the mileage points may be formulated in such a way that a multiplier of points varies depending on information providers. For example, points may be doubled.” On page 3, the Office Action admits that Syrbe does not disclose a converting unit for converting the distance calculated by the distance calculating unit to mileage points. The An reference fails to cure.

The An reference discloses a system for billing telephone calls. An teaches that the distance between the caller and the called party “is computed using the originating and terminating coordinates and the well-known distance calculation algorithm which has been used for the past decade in [the traffic service positioning system].” An, col. 14, ll. 10-13. An discloses that the distance is then converted to a “mileage *band* from mileage band definition tables.” *Id.*, ll. 13-15. A mileage band is a range of distances – it is not mileage points. An teaches that the “mileage band definition table is accessed by comparing the calculated mileage with the range of mileages for each band until a band is found whose range includes the calculated mileage. The mileage band definition table specifies the mileage band (MB) and a charge scheme type (CST). CST specifies whether the charge is to be determined by the time that the call started (fixed rate billing), is to be varied according to the period of different parts of

the call (rate period specific billing), or is to be flat.” *Id.*, col. 13, ll. 25-36. In short, the mileage band disclosed by An is used to determine the billing rate for the call. Thus, the conversion disclosed in An is merely from one actual unit of distance to a range of mileage, and not a conversion of distance to *mileage points*. In the absence of any disclosure or suggestion of the claimed features of the invention in the prior art of record, independent claims 1 and 10 are believed to be in condition for allowance.

Dependent claims 2-9 and 11-14 depend either directly or indirectly from independent claims 1 and 10, and incorporate by reference all of the limitations found therein, and therefore are allowable for the same reasons expressed above. In addition, each of these dependent claims includes additional limitations which, in combination with the limitations incorporated by reference, are neither disclosed nor suggested in the art of record, and therefore are further allowable. Accordingly, claims 2-9 and 11-14 are likewise patentable.

In view of the above remarks, applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

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